

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Misael REYNOSO,

Defendant

Magistrate Docket No 08-013

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

FILED
08 FEB 16 AM 9:33
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA


BY: 61

DEPUTY

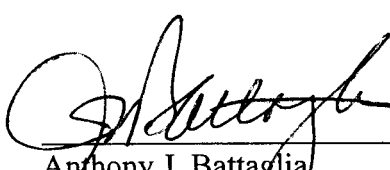
The undersigned complainant, being duly sworn, states:

On or about **February 12, 2008** within the Southern District of California, defendant, **Misael REYNOSO**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 13th DAY OF FEBRUARY 2008


Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:

Misael REYNOSO

PROBABLE CAUSE STATEMENT

On February 12, 2008, Senior Patrol Agent D. Spear was performing line watch duties in an area known to agents as the "Horse Trail." This area is approximately five miles west of the San Ysidro Port of Entry and approximately 500 yards north of the United States/Mexico International Boundary. At approximately 4:35 A.M. Agent Spear observed an individual later identified as the defendant, **Misael REYNOSO** walking north. Agent Spear approached the defendant and identified himself as a United States Border Patrol Agent and questioned the defendant as to his immigration status. The defendant admitted to being a citizen and national of Mexico illegally present in the United States. The defendant was placed under arrest and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **October 3, 2007** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights and stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted to being a citizen and national of Mexico, and that he is present in the United States. The defendant admitted to entering the United States illegally by jumping over the border fence. The defendant's intended destination was Los Angeles, California.